



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 24, 1996

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR96-1918

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35518.

The Texas Department of Public Safety (the "department") received an open records request for a "[c]omplete listing of instructors that have completed DPS's 'Concealed Handgun Instructor's School,' those enrolled this week, and those pending for future classes." You do not contend that the names of certified handgun instructors are excepted from required public disclosure and you indicate that the department will make those names available to the requestor. You contend, however, that the remaining requested information is made confidential under section 20 of article 4413(29ee), V.T.C.S., and therefore must be withheld from the public pursuant to section 552.101 of the Government Code.¹

Article 4413(29ee) outlines, among other things, procedures by which applicants can become licensed to carry a concealed handgun and the requirements for becoming a certified handgun instructor. See V.T.C.S. art. 4413(29ee), §§ 3 (requirements for concealed handgun license application), 17 (applicant's qualification for "Handgun Proficiency Certificate" from handgun instructor), 18 (qualifications for handgun instructors). Section 20 of article 4413(29ee) provides in pertinent part:

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

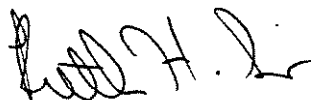
The department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this article. The department shall . . . disclose to any other individual *whether a named individual or any individual whose full name is listed on a specified written list* is licensed under this article. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. Except as otherwise provided by this section and by Section 21 of this article, *all other records maintained under this article are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552, Government Code*, except that the applicant or license holder may be furnished a copy of such disclosable records on request and the payment of a reasonable fee. . . . Nothing in this section shall prevent the department from making public and distributing to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department. [Emphasis added.]

Section 21 of article 4413(29ee) provides for the public release of "a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder." This section is inapplicable here.

The information you seek to withhold is not among those categories of information specifically made public under sections 20 and 21. Because "all other records maintained under this article are confidential" under section 20, we therefore conclude that the department must withhold pursuant to section 552.101 of the Government Code the names of individuals who have enrolled or intend to enroll in certification classes but not yet been certified as handgun instructors.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy", written over a horizontal line.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/rho

Ref.: ID# 35518

Enclosures: Submitted documents

cc: Mr. David L. Salmon
Operational Support Services, Inc.
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(w/o enclosures)